

**United States District Court
Northern District of Indiana
Hammond Division**

Gabriel Lopez,)
)
Plaintiff,)
)
v.) Civil Action No. 2:11-CV-54 JVB
)
Brad Ragan Recycling Inc., d/b/a)
BR Retreading)
)
Defendant.)

ORDER

This matter is before the Court on Magistrate Judge Paul Cherry's Report and Recommendation (DE 113) on the petition for adjudication of *quantum meruit* claim (DE 107), filed by Plaintiff's former attorney Peter Polansky of Curcio Law Offices. Judge Cherry's report states that Mr. Polansky's claim is wrongly filed in this case and should be dismissed without prejudice. No objections have been filed to Judge Cherry's Report and Recommendation.

Having reviewed the report, the Court agrees with its findings. Accordingly, the Court **accepts** Judge Cherry's Report and Recommendation and **dismisses** Mr. Polansky's petition (DE 107) without prejudice.

Plaintiff's motion to open discovery upon Mr. Polansky's petition (DE 112) is denied as moot.

SO ORDERED on February 13, 2014.

s/ Joseph S. Van Bokkelen
Joseph S. Van Bokkelen
United States District Judge

